

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|   |   |
|---|---|
| -----X  |   |
| ROBERT L. GARBER, on behalf of                | : |
| himself and all others similarly situated,    | : |
|   | : |
| Plaintiff,                                    | : |
|   | : |
| vs.   | : |
|   | : |
| WASHINGTON MUTUAL, INC., <i>et al.</i> ,      | : |
|   | : |
| Defendants.                                   | : |
| -----X  |   |
| JOEL ABRAMS, <i>et al.</i> , on behalf of     | : |
| themselves and all others similarly situated, | : |
|   | : |
| Plaintiffs,                                   | : |
|   | : |
| vs.   | : |
|   | : |
| WASHINGTON MUTUAL, INC., <i>et al.</i> ,      | : |
|   | : |
| Defendants.                                   | : |
| -----X  |   |
|   | : |
|   | : |
| DENNIS KOESTERER, on behalf of                | : |
| himself and all others similarly situated,    | : |
|   | : |
| Plaintiff,                                    | : |
|   | : |
| vs.   | : |
|   | : |
| WASHINGTON MUTUAL, INC., <i>et al.</i> ,      | : |
|   | : |
| Defendants.                                   | : |
| -----X  |   |

Civil Action No. 1: 07-cv-11422-UA

Civil Action No. 1:07-cv-09806-AKH

Civil Action No. 1:07-cv-09801-CM

**DECLARATION OF PETER ST. PHILLIP, JR. IN SUPPORT OF MOTION  
BY THE NYC POLICE AND FIRE PENSION FUNDS FOR CONSOLIDATION,  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

PETER D. ST. PHILLIP, JR. hereby declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am a principal of the law firm of Lowey Dannenberg Cohen, P.C. (“Lowey Dannenberg”), which has been retained as counsel for certain New York City Police and Fire Pension Funds (“NYC Police and Fire Pension Funds”) in this action. I am duly admitted to practice in the State of New York. I make this Declaration In Support of Motion of the NYC Police and Fire Pension Funds for (1) Consolidation; (2) Appointment of Lead Plaintiff; and (2) Approval of Lead Counsel. I have personal knowledge of the facts asserted herein.

2. Attached as Exhibit 1 are true and correct copies of the NYC Police and Fire Pension Funds’ certifications and loss analyses.

3. Attached as Exhibit 2 is a true and correct copy of the initial notice of filing of a class action against Washington Mutual, Inc., published on November 5, 2007 on PRNewswire.

4. Attached as Exhibit 3 is a true and correct copy of the firm resume of Lowey Dannenberg. As reflected in the resume, Lowey Dannenberg has substantial experience in the prosecution of securities class actions. Lowey Dannenberg has been recognized as appropriate lead counsel in cases brought pursuant to the PSLRA, including appointments in *In re Bayer AG Securities Litigation*, 03 Civ. 1546 (WHP) (S.D.N.Y.) (representing the New York State Common Retirement Fund and New York State Local Retirement Systems); *In re Juniper Networks, Inc. Securities Litigation*, No. C06-04327-JW (N.D. Cal.) (representing the NYC Police and Fire Pension Funds); *In re Luminent Mortgage Capital Inc. Securities Litigation*, No. C07-4072-PJH (N.D. Cal.); *In re MedPartners Securities Litigation*, No. CV-98-B-0067-S (N.D. Ala.) (representing the Denver Employees Retirement Plan, the pension plan for employees of the city and county of Denver, Colorado, as lead plaintiff); *DiRienzo v. Philip Services Corp.*,

232 F.3d 49 (2d Cir. 2000); *Winn v. Symons Int'l Group, Inc.*, IP 00-0310C-B/S (S.D. Ind.); *LLOV Partners v. Inco Limited*, Civil Action No. 00-4999 (NHP) (D.N.J.); *In re United Healthcare Securities Litigation*, No. 98-1888 (JMR/FLN) (D. Minn.); and *In re Cinar Securities Litigation*, No. CV 00 1086 (E.D.N.Y.).

5. Attached as Exhibit 4 is a true and correct copy of the Complaint filed in *Koesterer v. Washington Mutual, Inc., et al.*, Civil Action No. 1:07-cv-09801-CM.

6. Attached as Exhibit 5 is a true and correct copy of the Complaint filed in *Abrams v. Washington Mutual Inc., et al.*, Civil Action No. 1:07-cv-09806-AKH. While this version is unsigned, a copy of the filed version is not available for download on the Court's ECF system. Counsel for Plaintiffs in this action holds out the version attached hereto as the filed version. See <http://www.csgr.com/cases/wamu/complaint.pdf> (last visited January 4, 2008).

7. Attached as Exhibit 6 is a true and correct copy of the Complaint filed in *Garber v. Washington Mutual, Inc., et al.*, Civil Action No. 1: 07-cv-11422-UA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of January, 2008, at White Plains, New York.

/s/ Peter D. St. Phillip, Jr.  
PETER D. ST. PHILLIP, JR.